

**REMARKS****I. Status of the Claims:**

Claims 1-13 are currently pending.

By this Amendment, claims 1, 4, 12 and 13 have been amended; claims 2 and 11 have been canceled without prejudice or disclaimer; and claim 14 has been added. No new matter has been introduced by this Amendment.

Upon entry of this Amendment, claims 1, 3-10 and 12-14 would be pending.

**II. Claim to Convention Priority:**

Applicants would like to note that a Claim to Convention Priority was filed in the application along with the four priority documents on July 30, 2003. A copy of the postcard acknowledging receipt of these papers by the Patent Office is enclosed herewith. Accordingly, Applicants respectfully request acknowledgement of the Priority claim and receipt of the priority documents.

**III. Claim Objections:**

Claims 1-10, 12-13 are object to for informalities. These claims have been amended according to the suggestions provided by the Examiner. Accordingly, Applicants respectfully request reconsideration and withdrawal of these objections to the claims.

**IV. Rejection Under 35 U.S.C. §112:**

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In particular, the Examiner believes that the phrase "heat treatment in an atmosphere" is indefinite.

Although claim 2 has been canceled without prejudice, the allowable subject matter of this claim has been incorporated into independent claim 1 along with changes to address the Examiner's concern. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection of this claim.

**V. Rejection Under 35 U.S.C. §§102 and 103:**

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by either Krekeler (DE 2147261) or Erz (U.S. 2002/0176183). Claims 1, 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erz in view of Boucher (U.S. 5,993,904).

**1. Claims 11-13**

Claim 11 has been canceled without prejudice, and claim 12 has been amended into independent form and to incorporate the subject matter of claim 11. As to claim 12, Applicants respectfully submit that the cited references, Krekeler and Erz, do not disclose or suggest an "aperture" with the claimed features, namely:

an aperture device comprising: a plurality of aperture blades which are relatively driven to change a size of an aperture; and an ND filter fixed to the aperture blades, wherein said ND filter comprising: a substrate; a film of at least one layer which is formed on the substrate and has a gradation thickness distribution; and a film of an outermost layer which is formed on the film having the gradation thickness distribution.

Thus, claims 12 and 13 are patentably distinguishable over the cited references. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

**2. Claims 1-10**

Claim 1 has been amended to incorporate the allowable subject matter of claim 2. As such, claims 1 and 3-10 are believed to be in allowable form.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-5094.

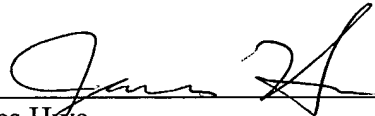
In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-5094.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: \_\_\_\_\_

6/1/04

By: \_\_\_\_\_

  
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